



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 18, 2003

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#03-106 Bustamonte v. Flores, S116992. (B156613; Los Angeles County Superior Court; 109 Cal.App.4th 332; PC026227.) Review on the courts' own motion after the Court of Appeal reversed a post-judgment order in a civil action. The court ordered briefing deferred pending decision in Fitch v. Select Products Co., S116223 (#03-99), which includes the following issue: When the Department of Health Services has provided Medi-Cal benefits to an injured individual and the individual thereafter dies, can the Department seek to recover the value of the benefits provided to the decedent from an award obtained by the decedent's survivors in a wrongful death action, even though the wrongful death award does not include any damages related to the decedent's medical expenses? (See Welf. & Inst. Code, § 14124.72, subdivision (c).)

#03-107 City of Anaheim v. Pacific Bell Telephone Co., S117248. (G029261; 109 Cal.App.4th 381; Orange County Superior Court; 00CC07829.) Petition for review after the Court of Appeal affirmed a judgment dismissing a civil action. The court ordered briefing deferred pending decision in People ex rel. Orloff v. Pacific Bell, S099131 (#01-121), which presents the following issue: Is an unfair competition action brought by a district attorney in the name of the People against a public utility barred if a parallel proceeding is pending before the Public Utilities Commission?

(over)

#03-108 M.K. v. Smith, S117634. (B160120; unpublished opinion; Los Angeles County Superior Court; MC013256.) Petition for review after the Court of Appeal reversed an order denying a special motion to strike. The court ordered briefing deferred pending decision in Mulder v. Pilot Air Freight, S105483 (#02-86), which presents the following issue: Is the privilege for reporting suspected criminal activity to a police officer (Civ. Code. § 47(b)), absolute or does it apply only to statements made in good faith?

STATUS

#03-82 Parnell v. Adventist Health System/West, S114888. The court ordered briefing in this case, in which briefing was previously deferred pending decision in Olszewski v. Scripps Health (2003) 30 Cal.4th 798. The case presents the following issue: May a healthcare provider that has provided services to a patient covered by a health insurance plan impose a lien upon a judgment obtained by the patient from a third party tortfeasor for the difference between the amount the hospital agreed to accept from the patient's health insurance plan for the services and the hospital's reasonable and usual charges for the services?

#02-196 McMeans v. Scripps Health, Inc., S109573. In this case, in which briefing was previously deferred pending decision in Olszewski v. Scripps Health (2003) 30 Cal.4th 798, the court ordered briefing deferred pending decision in Parnell v. Adventist Health System/West, S114888 (#03-82).

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